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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,442	02/05/2004	Jui-Yang Lo	MR2723-164/CIP	3183
4586	7590	12/03/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			CHAPMAN JR, JOHN E	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/771,442	LO, JUI-YANG	
	Examiner	Art Unit	
	John E Chapman	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. The specification is replete with numerous idiomatic and grammatical errors and should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of such errors in the specification are:

Page 4, line 12, 'onto' should be changed to --to--.

Page 4, line 22, 'to' should be changed to --a--.

Page 4, line 23, '12' should be changed to --22--.

Page 5, line 17, "time for shift switch" should be changed to --speed for gear shift--.

Page 5, line 17, "500" should apparently be --5000--.

Page 5, line 21, a period should follow "color".

Page 5, line 22, "RPM and above" should be changed to --RPM, and above 5000 RPM--.

Page 5, line 24, "perform the shift switching" should be changed to --shift gears--.

Page 6, line 3, "time" should be changed to --speed--.

Page 7, line 1, a period should follow "segments".

Page 7, line 2, "thereby" should be capitalized.

Page 7, line 2, "remind" should be changed to --reminded--.

Page 7, line 2, "sate" should be changed to --state--.

2. Claims 1-3 are objected to because of the following informalities:

Claim 1 should be a single sentence.

Claim 1, line 4, "present" should be --preset--.

Claim 1, line 8, "form" should be --from the--.

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Claim 1, line 12, "the graduation board" should be --a graduation board--.

Claim 2, line 2, "the circuit board" should be --a circuit board--.

Appropriate correction is required.

3. The following is a quotation of the first and second paragraphs of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The operation of the switch device 21 is not clear. According to the specification, switch device 21 is used "to output a switch signal (or a set-up signal) onto an electric-control loop 22 once a critical speed value is reached indicative of necessity to change the color of the generated light" (page 4, lines 11-13). Thus it would appear that switch device 21 outputs a control signal to electric-control loop 22 to switch the color once a critical speed value is reached (page 4, lines 20-21). However, such a control signal would not be a "set-up signal." A "set-up signal" would be a signal used to set up a correspondence between the speed values and colors prior to operation of the device, whereas a "switch signal" would indicate that a critical speed value is reached and the color should be switched during operation of the device. Thus, it is not clear

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whether the switch device 21 is a “functional selection operation device” (page 4, lines 2-7) which is used by a user to set up a correspondence between the speed values and colors of generated light colors prior to operation of the device, or a control device that is used to indicate that a critical speed value is reached during operation of the device.

5. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the operation of the “switch device” in line 4 is not clear. It is not clear what the purpose of the “switch signal” is. Presumably, the purpose of a “switch signal” is to switch something, but it is not clear from the claim that the “switch signal” switches anything. Nor is it clear what the purpose of the “preset signal” is. A “preset signal” is not described in the specification. Rather a “set-up signal” is described (page 4, line 11). It is not clear that a “preset signal” is synonymous with a “set-up signal,” nor is it clear that a “preset signal” is synonymous with a “switch signal.”

In claim 1, it is not clear what is meant by “collaborating all memory signals with a functional mode” in line 9. What “memory signals”? What is meant by “a functional mode”? And how are they “collaborated”?

In claim 1, it is not clear what is meant by “a synchronizing color mixing version” in line 16.

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 3, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Voto et al. in view of Weyer.

Voto et al. discloses a configurable warning system for a vehicular instrument cluster comprising a tachometer wherein a sequence of colors may be selected to indicate warning bands. Note col. 1, lines 22-26, and col. 4, lines 4-21. Pushbuttons 100 or slide switches are used to program the microprocessor 50. See col. 5, lines 31-46. The colors are produced by backlighting illumination means 42, 44 and 46 that may be comprised of multicolor LEDs. See col. 3, lines 38-47. Accordingly, the only difference between the claimed invention and the prior art consists in using multicolor LEDs comprising red, green and blue (RGB). Weyer discloses an instrument panel comprising a plurality of red, green and blue LED'S in order to allow a driver to select a desired instrument illumination color. It would have been obvious to one of ordinary skill in the art to use multicolor LEDs comprising red, green and blue in order to provide a desired backlighting illumination color.

Regarding claim 3, Voto et al. teaches green, red and yellow (col. 4, lines 9-11) and teaches that other combination of colors may be selected (col. 4, lines 21-22). It would have been obvious to select additional colors, such as blue, indigo, purple and white, to indicate additional bands.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voto et al. in view of Weyer as applied to claim 1 above, and further in view of Matumoto.

The only further difference between the claimed invention and the prior art consists in installing the multicolor LEDs on a circuit board. Matumoto teaches mounting LEDs on a circuit board 80 in order to provide backlighting for a tachometer. It would have been obvious in view of Matumoto to mount the multicolor LEDs of Voto et al. on a circuit board in order to provide a backlighting for the tachometer.

9. Claims 1 and 3, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lys et al.

Lys et al. disclose a tachometer 901 in Fig. 9 comprising a projection light source changing the color of a generated light according to a rotational speed of the engine. See col. 21, lines 1-26. It is not clear that a switch device is provided in the tachometer of Fig. 9. Nevertheless, Lys et al. disclose a switching device to change color settings manually. See col. 21, lines 50-53. Accordingly, it would have been obvious to provide the tachometer of Fig. 9 with a switch device to change the color settings manually. It is not clear that the projection light source in Fig. 9 comprises an RGB illumination device disposed beneath the graduation board of the tachometer. Nevertheless, Lys et al. teach that the LEDs 4 may be red, green and blue (col. 15, lines 52-54) and teach backlighting a panel in a vehicle (col. 26, lines 65-67). Note also RGB illumination device 2202 in Fig. 22 for backlighting a panel. Accordingly, it would have

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been obvious to provide an RGB illumination device disposed beneath the graduation board of the tachometer 901 in order to provide backlight illumination for the tachometer.

Regarding claim 3, Lys et al. teaches white, yellow and red (col. 21, lines 15-20). It would have been obvious to select additional to indicate additional engine speeds.

10. Claims 1-3, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lys et al. in view of Matumoto.

Regarding claim 1, it is not clear that the projection light source in Fig. 9 of Lys et al. comprises an RGB illumination device disposed beneath the graduation board of the tachometer. Nevertheless, Lys et al. teach that the LEDs 4 may be red, green and blue (col. 15, lines 52-54), and Matsumoto teaches backlighting in order to illuminate a tachometer. Accordingly, it would have been obvious to provide an RGB illumination device disposed beneath the graduation board of the tachometer 901 of Lys et al. in order to illuminate the tachometer.

Regarding claim 2, Matumoto teaches mounting LEDs on a circuit board 80 in order to provide backlighting for a tachometer. It would have been obvious in view of Matumoto to mount RGB LEDs 4 of Lys et al. on a circuit board in order to provide a backlighting for the tachometer.

Regarding claim 3, Lys et al. teaches white, yellow and red (col. 21, lines 15-20). It would have been obvious to select additional to indicate additional engine speeds.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Westberg et al. discloses a tachometer comprising a shift light comprising an LED




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30 for indicating the optimum time to shift gears, and a microprocessor 64 for providing an output signal to a shiftlight output circuit 70 when a desired shift setpoint is reached during actual operation. Blee et al. discloses a vehicle gear shift indicator comprising LEDs 25 that change color.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E Chapman whose telephone number is (571) 272-2191. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John E Chapman  
Primary Examiner  
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